



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
September 19, 2023

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

* * * * *

In re:

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No.: 23-10423-mkn
Chapter 11

PRETRIAL (Zoom Telephonic)
Date: October 4, 2023
Time: 9:30 a.m.

TRIAL (In-Person)
Date: October 16 and 17, 2023
Time: 9:30 a.m.

(SECOND AMENDED) ORDER REGARDING PRETRIAL AND TRIAL MATTERS

On August 29, 2023, hearings were held on the Motion for Entry of an Order Authorizing Debtor to Surcharge the Collateral of Genesis Global Holdco, LLC, Enigma Securities Limited, and AVT Nevada, L.P. ("Surcharge Motion") (ECF No. 926), brought by the above-captioned debtor ("Debtor"), the Official Committee of Unsecured Creditor's Motion for Derivative Standing (ECF No. 925) (the "Standing Motion"), as well as Enigma Securities Limited's Application for Allowance and Payment of Administrative Expense Claim Pursuant to 11 U.S.C. §§ 361, 362, 363, 364, 503, 507, and Bankruptcy Rules 3012 and 8002 ("Admin Expense Application") (ECF No. 873), brought by Enigma Securities Limited ("Enigma") in the above-captioned proceeding. Appearances were made by Brett A. Axelrod, Esq. on behalf of Debtor; Robert J. Gayda, Esq. and Ryan J. Works, Esq. on behalf of the Official Committee of Unsecured Creditors; Dawn M. Cica, Esq. on behalf of interested party Chris McAlary; and James Patrick Shea, Esq. as well as Andrew Kissner, Esq. on behalf of Enigma.

On September 14, 2023, the court entered a Scheduling Order regarding pretrial and trial matters in the above-referenced proceeding (ECF No. 1220), which was amended (ECF No. 1249).

Good cause appearing,

IT IS HEREBY ORDERED that a **PRE-TRIAL CONFERENCE** will be held telephonically on **October 4, 2023, at 9:30 a.m.**, before Judge Mike K. Nakagawa. Absent further order of the court, the parties must participate and appear telephonically in the pre-trial conference by dialing (669) 254-5252; Meeting ID: 161-062-2560; Passcode: 029066. Instructions are at: www.nvb.uscourts.gov/news-rss/announcements/2020/0319-court-hearing-participation/.

IT IS FURTHER ORDERED that unless otherwise ordered, use of Alternate Direct Testimony under Local Rule 9017 will be followed in this case. The Local Rules can be reviewed on this court's website at www.nvb.uscourts.gov/rules-forms/rules/local-rules/9017/. Plaintiff's Alternate Direct Testimony declarations and exhibits must be submitted to opposing counsel no later than **September 26, 2023**. Defendant's Alternate Direct Testimony declarations and exhibits must be submitted to opposing counsel no later than **October 5, 2023**. No later than **October 10, 2023**, both parties shall comply with Local Rule 9017(d)(3) for the submission of documents to the courtroom deputy. Any additional legal memoranda submitted by the parties must be served and filed no later than **October 10, 2023**. All other applicable provisions of Local Rule 9017(c), (d), and (e) shall apply.

TRIAL STATEMENTS: Each party shall file a trial statement (or counsel may meet and file a joint trial statement). Trial statements shall contain the information as shown on, and in the form of, Part "A" attached hereto. Trial statements shall be filed on or before **October 10, 2023**.

Any objections made pursuant to Fed. R. Bank P. 7026(a)(3) shall be made **no later than seven days** after the opposing party files its Trial Statement.

PRETRIAL MOTIONS: Motions in Limine must be **filed seven days prior to the pretrial conference** scheduled in this case. Responses are due the day before the pretrial conference.

1 **EXHIBITS/WITNESS LISTS:** Each party shall contact and make arrangements
2 with Cathy Shim, Courtroom Deputy, no later than October 10, 2023 for the purpose of
3 **coordinating trial exhibits.** To that end, before such meeting, each party shall have lodged the
4 following:

5 (1) Five (5) business days prior to the trial or evidentiary hearing on a contested matter
6 each party must lodge with the courtroom deputy clerk for the assigned judge (i): two (2) copies
7 of all declarations or affidavits and exhibits that the party intends to present at the trial or
8 hearing, which must be sequentially numbered with a bates or other numbering system, bound,
9 tabbed and accompanied by a properly completed “Exhibit Log,” that conforms to the local form
10 found on the court’s website; and (ii) one (1) copy of that party’s written objections to the
11 admission of any of the declarations or exhibits of an opposing party Log forms may be
12 obtained from the court’s website.

13 All exhibits to which there is no objection shall be admitted by stipulation. Counsel
14 may stipulate to an exhibit on one ground (e.g., foundation) while preserving an objection on
15 another ground (e.g., relevance).

16 (1) List of witnesses with correct spelling of the witnesses’ full name.

17 The **TRIAL** in this matter is scheduled for **October 16 and 17, 2023, at 9:30 a.m.,**
18 **IN-PERSON**, in the Foley Federal Building, 300 Las Vegas Blvd. South, Las Vegas, Nevada, in
19 Courtroom #2, before Judge Mike K. Nakagawa.

20 **IT IS SO ORDERED.**

21
22 Copies sent via CM/ECF ELECTRONIC FILING

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PART “A”
(Trial Statements)

The trial statement(s) shall contain the following items:

1. The disclosures required by Fed. R. Civ. P. 26(a)(3), as adopted by Fed. R. Bank. P. 7026 and LR 7026.
2. A concise statement of the nature of the action and contentions of the parties.
3. A statement as to the core or non-core jurisdiction of the Court, with legal citations.
4. Stipulated facts.
5. Contested issues of law with concise memorandum of authority.
6. Log of exhibits which may be offered in evidence, including any exhibits for impeachment or to refresh the memory of a witness (log attached).
7. Any special trial issue which requires the Court’s attention.
8. The list of witnesses, with their addresses, expected to be called.

